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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against,

Case No. 4546

12 **MOHAMMAD ALI BAZYAR**
13 **4977 Edgar Court #3**
San Jose, CA 95118
14 **Pharmacy Technician Registration No. TCH**
104369

PETITION TO REVOKE PROBATION

15
16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
21 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
22 Affairs.

23 2. On or about May 31, 2012, the Board of Pharmacy issued Pharmacy Technician
24 License Number TCH 104369 to Mohammad Ali Bazyar (Respondent). The Pharmacy
25 Technician License expires on September 30, 2013, unless renewed.

26 3. In a disciplinary action entitled "In the Matter of the Statement of Issues Against
27 Mohammad Ali Bazyar," Case No. 4091, the Board of Pharmacy issued a decision, effective May
28 25, 2012, whereby Respondent was to be issued a probationary license upon satisfaction of

1 meeting all statutory and regulatory requirements. On or about May 31, 2012, Respondent was
2 issued Pharmacy Technician License No. TCH 104369, which was immediately revoked. The
3 revocation was stayed, and Respondent was placed on probation for a period of three (3) years
4 with certain terms and conditions. A copy of that decision is attached as Exhibit A and is
5 incorporated by reference.

6 JURISDICTION

7 4. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board),
8 Department of Consumer Affairs, under the authority of the following laws. All section
9 references are to the Business and Professions Code unless otherwise indicated.

10 5. Section 4300 of the Code states:

11 "(a) Every license issued may be suspended or revoked.

12 6. Section 4011 of the Code provides that the Board shall administer and enforce both
13 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
14 Act [Health & Safety Code, § 11000 et seq.].

15 FACTUAL BACKGROUND

16 7. On or about January 10, 2011, the Board denied Mohammad Bazyar's application for
17 registration as a pharmacy technician. Respondent was alleged to be in possession of a controlled
18 substance, Cocaine. Respondent appealed the denial.

19 8. In an Order effective May 25, 2012, the Board adopted a Stipulated Settlement and
20 Disciplinary Order in a case entitled "In the Matter of the Statement of Issues Against
21 Mohammad Ali Bazyar, Case No. 4091. Pursuant to the Disciplinary Order, Respondent was
22 issued Pharmacy Technician License No. TCH 104369 which was immediately revoked.
23 However, the revocation was stayed, and the Respondent was placed on probation for three (3)
24 years subject to certain terms and conditions. Respondent failed to follow the terms and
25 conditions of probation as described below.

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1 FIRST CAUSE TO REVOKE PROBATION

2 **(Failure to Report Quarterly to the Board)**

3 9. At all times after the effective date of the Decision and Order imposing probation on
4 Respondent's License, Term and Condition 3 of that Order required in pertinent part:

5
6 **3. Report to the Board.** Probationer shall report to the Board quarterly, on a
7 schedule as directed by the board or its designee. The report shall be made either in
8 person or in writing, as directed. Among other requirements, respondent shall state
9 in each report under penalty of perjury whether there has been compliance with all
10 the terms and conditions of probation. Failure to submit timely reports in a form as
11 directed shall be considered a violation of probation.

12 10. Respondent's probation is subject to revocation in that he failed to comply with
13 Term and Condition 3. Respondent failed to submit timely quarterly reports to the Board. No
14 reports have been received by the Board since the start of probation.

15 SECOND CAUSE TO REVOKE PROBATION

16 **(Failure to Appear for Interviews with the Board Upon Request)**

17 11. At all times after the effective date of the Decision and Order imposing probation on
18 Respondent's License, Term and Condition 4 of that Order required:

19 **4. Interview with the Board.** Upon receipt of reasonable notice, Respondent shall
20 appear in person for interviews with the Board or its designee, at such intervals and
21 locations as are determined by the Board or its designee. Failure to appear for any
22 scheduled interview without prior notification to board staff, or failure to appear at
23 two (2) or more scheduled interviews with the board or its designee during the
24 period of probation shall be considered a violation of probation.

25 12. Respondent's probation is subject to revocation in that he failed to comply with
26 Term and Condition 4. Respondent failed to appear as requested for probation office
27 conferences with the Board on two separate occasions: June 28, 2012 and July 26, 2012.
28 Respondent did not provide notification to Board staff regarding his failure to appear at each
conference.

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1 THIRD CAUSE TO REVOKE PROBATION

2 **(Failure to Submit to Random Drug Screening)**

3 13. At all times after the effective date of the Decision and Order imposing probation on
4 Respondent's License, Term and Condition 16 of that Order required in pertinent part:

5 **16. Random Drug Screening.** Respondent, at his own expense, shall participate in
6 random testing, including but not limited to biological fluid testing (urine, blood),
7 breathalyzer, hair follicle testing, or other drug screening program as directed by the
8 board or its designee. Respondent may be required to participate in testing for the
9 entire probation period and the frequency of testing will be determined by the Board
10 or its designee. At all times Respondent shall fully cooperate with the Board or its
designee, and shall, when directed, submit to such tests and samples for the detection
of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the
board or its designee may direct. Failure to timely submit to testing as directed shall
be considered a violation of probation.

11 14. Respondent's probation is subject to revocation in that he failed to comply with Term
12 and Condition 16. Respondent failed to report daily and submit to testing as scheduled in the
13 random drug screening program.

14 FOURTH CAUSE TO REVOKE PROBATION

15 **(Failure to Establish a Prescription Coordinator/Monitor)**

16 15. At all times after the effective date of the Decision and Order imposing probation on
17 Respondent's License, Term and Condition 20 of that Order required in pertinent part:

18 **20. Prescription Coordination and Monitoring of Prescription Use.** Within thirty
19 (30) days of the effective date of this decision, respondent shall submit to the board,
20 for its prior approval, the name and qualifications of a single physician, nurse
21 practitioner, physician assistant, or psychiatrist of Respondent's choice, who shall be
aware of the respondent's history with the use of alcohol and who will coordinate and
monitor any prescriptions for respondent for dangerous drugs, controlled substances
or mood-altering drugs.

22 ...

23 Failure to timely submit the selected practitioner or replacement practitioner to the
24 board for approval, or to ensure the required reporting thereby on the quarterly
reports, shall be considered a violation of probation.

25 Respondent's probation is subject to revocation in that he failed to comply with Term and
26 Condition 20. Respondent has not established a practitioner as his prescription coordinator and
27 monitor.
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

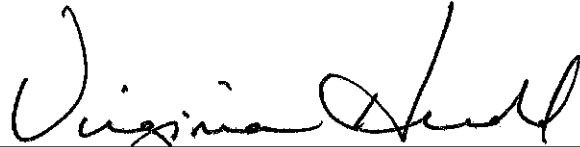
1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 4091 and imposing the disciplinary order that was stayed thereby revoking Pharmacy Technician Registration No. TCH 104369 issued to Mohammad Ali Bazyar;

2. Revoking or suspending Pharmacy Technician Registration No. TCH 104369, issued to Mohammad Ali Bazyar;

3.

4. Taking such other and further action as deemed necessary and proper.

DATED: 4/8/13



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Board of Pharmacy Case No. 4546